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Patent

Attorney Docket No. 1034381-000006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David MCCONCHIE, et al.

Patent Application No. 10/535,512

Filed: May 18, 2005

Title: FERTILISER

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 09, 2006.

By: Kim A. Cabello
Kim A. Cabello

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing are the following:


1. Power of Attorney and Correspondence Address Indication Form;
2. Statement Under 37 CFR 3.73(b);
3. Copy of Assignment sent for recording December 28, 2005; and
4. Return Receipt Postcard.

No fee is believed to be due in connection with the attached paper. However, in the event

a fee is required please charge, or to credit any overpayment to, Deposit Account No. 02-4800.
This paper is submitted in duplicate.

Respectfully Submitted,

BUCHANAN INGERSOLL

By: 
Joseph R. Baker, Jr.
Registration No. 40,900

12230 El Camino Real
Suite 300
San Diego, California 92130
Telephone: (858) 509-7300

Date: February 09, 2006

ASSIGNMENT

(JOINT)

THIS ASSIGNMENT, by David McConchie, Malcolm William Clark, and Fiona Gave Davies-McConchie, residing at 14 Windsor Court, Goonellabah, New South Wales 2480, Australia; 7/85-87 Wyrallah Road, Lismore, New South Wales 2480, Australia; and 14 Windsor Court, Goonellabah, New South Wales 2480, Australia (hereinafter referred to as "the Assignors"), respectively, witnesseth:

WHEREAS, the Assignors confirm that they had full right, title and interest pursuant to an assignment from Nauveau Technology Investment Ltd. dated 17 November 2003

WHEREAS, the Assignors along with Stephen Robert Walsh, having a place of residence at Lot 5, Beatties Creek Road, Goonengarry, New South Wales 2482, Australia, have invented certain new and useful improvements in FERTILISER set forth in International Application No. PCT/AU2003/001546, which application was assigned by the Assignors to Mt. Aspiring Geochemistry Consultants Pty Ltd, and which application is the basis of priority for Letters Patent of the United States, which is a

- (1) ☐ provisional application
- (a) ☐ bearing Application No. "Appln. No.", and filed on "Filing Date";
- (b) ☐ to be filed herewith; or
- (2) ☒ non-provisional application
- (a) ☒ bearing Application No. 10/535,512, and filed on May 18, 2005;
- (b) ☐ having an oath or declaration executed on even date herewith prior to filing of application;
- (c) ☒ having an oath or declaration executed on a different date than this Assignment;
- and

WHEREAS, Mt. Aspiring Geochemistry Consultants Pty Ltd., a corporation duly organized under and pursuant to the laws of Australia and having a principal place of business at 30 Oakley Avenue, East Lismore, New South Wales 2480, Australia (hereinafter referred to as "the Assignee"), has acquired the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignors have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said applications, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behoof and the use and behoof of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignors had this sale and assignment not been made;

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignors are the sole and lawful owners of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth;

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns that the Assignors will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement, and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;


AND the Assignors hereby authorize and request the attorneys of Burns, Doane, Swecker & Mathis, L.L.P. to insert in the spaces provided above the title of the invention, filing date, application number, and attorney's docket number of said application when known.

AND the Assignors hereby request the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee as the Assignee of said inventions, the Letters Patent to be issued for the sole use and behoof of the Assignee, its successors, legal representatives, and assigns.

DATE ☒ 14/10/2005

DATE ☒ 12/08/05

DATE ☒ 14/10/2005

☒ 

David McConchie

☒ 

Malcolm William Clark

☒ 

Fiona Gaye Davies-McConchie

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

| | |
|------------------------|-------------------|
| Application Number | PCT/AU2003/001546 |
| Filing Date | 18 November 2003 |
| First Named Inventor | David McConchie |
| Title | Fertiliser |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 034381-006 |

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint

Burns Doane Swecker & Mathis LLP

41790

☐ Practitioners associated with Customer Number

OR

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number

OR

☐ Firm or Individual Name

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Mt. Aspiring Geochemistry Consultants Pty Ltd

| | | | |
|-------------------|--|-----------|-----------------------------------|
| Signature | | Date | 27 October 2003 Day Month Year |
| Name | Malcolm W. Clark | Telephone | +61 2 66220471 |
| Title and Company | Director, Mt Aspiring Geochemistry Consultants Pty. Ltd. | | |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ * Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes complete, including gathering, preparing, and submitting the completed application for to the USPTO. Time will vary depending upon the individual case. A comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

S&F Ref: 609304US



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Mt. Aspiring Geochemistry Consultants Pty Ltd

Application No./Patent No.: PCT/AU2003/001546 Filed/Issue Date: 18 November 2003

Entitled: Fertiliser

Mt. Aspiring Geochemistry Consultants Pty Ltd an Australian company, ACN 111 034 952
(Name of Assignee) Assignee, eg., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ an assignment from Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the Inventor(s), of the patent application/patent identified above, to the current assignee
As shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (ie., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

x Mt. Aspiring Geochemistry Consultants Pty Ltd
Signature

x Dr Malcolm Clark
Printed or typed Name

x Secretary and Director
Title

x 14/10/05
Date (Day Month Year)

x 02 66220472
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application for to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
S&F REF: